

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

**CASE NO.: 23-cv-22148-GAYLES/LOUIS**

**ROSH CHODESH II LIMITED  
PARTNERSHIP, *et al.*,**

Plaintiffs,

**v.**

**JAN S. WIMPFHEIMER, *et al.*,**

Defendants.

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**ORDER**

**THIS CAUSE** comes before the Court on the Motion to Dismiss the Second Amended Complaint filed by Defendants Madison Gold LLC, Jan S. Wimpfheimer, and Schwell Wimpfheimer & Associates, LLP, [ECF No. 72] (“Madison Gold’s Motion to Dismiss”) and the Motion to Dismiss the Second Amended Complaint filed by Defendants East Hudson Capital, LLC and White Road Capital LLC [ECF No. 71] (“East Hudson’s Motion to Dismiss”). This case was referred to Magistrate Judge Lauren F. Louis for a ruling on all pretrial non-dispositive matters and a report and recommendation on all dispositive matters, pursuant to 28 U.S.C. § 636(b)(1)(B). [ECF No. 48]. On February 4, 2025, she issued her report recommending that Madison Gold’s Motion to Dismiss be granted, and that East Hudson’s Motion to Dismiss be denied as moot [ECF No. 93]. No objections were filed to the Report.

A district court may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections “pinpoint the specific findings

that the party disagrees with.” *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C.*, 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006).

This Court finds no clear error with Judge Louis’s well-reasoned analysis and agrees with her conclusion that Madison Gold’s Motion to Dismiss be granted, and that East Hudson’s Motion to Dismiss be denied as moot.

### **CONCLUSION**


After careful consideration, it is **ORDERED AND ADJUDGED** as follows:

(1) Magistrate Judge Louis’s Report and Recommendation, [ECF No. 93], is **ADOPTED in full**;

(2) The Motion to Dismiss the Second Amended Complaint filed by Defendants Madison Gold LLC, Jan S. Wimpfheimer, and Schwell Wimpfheimer & Associates, LLP is **GRANTED**.

(3) The Motion to Dismiss the Second Amended Complaint filed by Defendants East Hudson Capital, LLC and White Road Capital LLC is **DENIED AS MOOT**.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 26th day of February, 2025.

  
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DARRIN P. GAYLES  
UNITED STATES DISTRICT JUDGE